

DIRECTOR OF CENTRAL INTELLIGENCE

Security Committee

SECOM-D-121

31 May 1983

MEMORANDUM FOR: Chief, Secretariat Staff

FROM:

[Redacted]

Chairman

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SUBJECT: Revision of DCID 1/7

1. Attached is a draft revision of DCID 1/7 to provide the Community guidance on "Security Controls on the Dissemination of Intelligence Information." It was unanimously endorsed by Security Committee members at their 25 May 1983 meeting. It has also been coordinated with and is concurred in by [Redacted] Legal Advisor to the Intelligence Community Staff. Also attached is a summary of changes in the draft revision.

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2. The attached draft is worded as an implementer pursuant to the provisions of the DCID on the Security Committee. Please consider whether it should be issued as a DCID, since it does provide a significant amount of policy guidance on matters of high-level interest to the Community. For example, this draft covers DCI policy on contracting for operation of intelligence support functions; conditions for use of controls such as ORCON, NOCONTRACT and NOFORN; and relief for the Community from certain aspects of the "third agency rule." Please call me after you have reviewed this draft to discuss how we should proceed to obtain necessary approvals for issuance of this policy guidance.

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[Redacted]

Attachments

SECURITY CONTROLS ON THE
DISSEMINATION OF INTELLIGENCE INFORMATION¹
(Effective 1983)

Pursuant to the provisions of the Director of Central Intelligence Directive (DCID) on the Security Committee (SECOM), the following controls on the dissemination and use of intelligence information and related materials (hereinafter referred to as intelligence)² are hereby established.

1. Purpose

These provisions establish certain common controls and procedures for the dissemination and use of intelligence to ensure that, while facilitating its interchange for intelligence purposes, it will be adequately protected. These provisions amplify applicable portions of the 23 June 1982 Information Security Oversight Office (ISOO) Directive #1 which implements Executive Order (EO) 12356. They also prescribe additional controls on the dissemination of intelligence to foreign governments and to foreign nationals and immigrant aliens, including those employed by the US Government. Policy on release of intelligence to contractors and consultants is set forth in the Appendix.

2. General

a. Applicability. The controls and procedures set forth in these provisions shall be uniformly applied in the dissemination and use of intelligence originated by all Intelligence Community organizations as defined by EO 12333.

¹These provisions supersede DCID No. 1/7, effective 4 May 1981.

²For purposes of these provisions the terms "intelligence information and related materials" (or "intelligence") mean:

(1) "Foreign intelligence and counterintelligence," as these terms are defined in EO 12333;

(2) Information describing US foreign intelligence and counterintelligence activities, sources and methods, equipment, and methodology used for the acquisition, processing, or exploitation of such intelligence, foreign military hardware obtained for exploitation, and photography or recordings resulting from such US intelligence collection efforts; and

(3) Information on Intelligence Community protective security programs (e.g., personnel, physical, technical and information security).

b. Implementation. The substance of these provisions shall be published in appropriate regulatory or notice media of each Intelligence Community organization, together with appropriate procedures permitting rapid interagency consultation concerning the dissemination and use of intelligence. For this purpose, each Intelligence Community organization will designate a primary referent. Originators of Intelligence bearing control markings or other restrictions required by these provisions shall ensure that requests concerning them are answered promptly.

c. "Need-to-know" Principle. "Need-to-know" is a determination by an authorized holder of classified information that access to specific classified material in his or her possession is required by one or more other persons to perform a specific and officially authorized function essential to accomplish a national security task or as required by Federal Statute, Executive Order, or directly applicable regulation. In addition to an established "need-to-know," a person must possess an appropriate security clearance and access approvals, as required; prior to being provided classified information.

3. Use and Dissemination Among US Intelligence Community Organizations

a. "Third Agency" Rule. EO 12356 states that classified information originating in one US agency shall not be disseminated outside any other agency to which it has been made available without the consent of the originating agency. This is commonly described as the "third agency" rule.

b. Advance Authorization. To facilitate the dissemination and different uses made of classified intelligence within and among Intelligence Community organizations and to assure the timely provision of intelligence to consumers, it is necessary to provide controlled relief to the "third agency rule" within the Intelligence Community. Accordingly, Intelligence Community organizations hereby consent to the use of each other's classified intelligence in their respective intelligence documents, publications, or other information media, and to disseminate their products to other Intelligence Community organizations, except as specifically restricted by control markings prescribed in paragraph 6. Classified intelligence documents, even though they bear no control markings, will not be released in their original form to third agencies without permission of the originator.

4. Use and Dissemination To Other US Organizations

Classified intelligence, even though it bears no restrictive control markings, will not be released in its original form to US organizations outside of the Intelligence Community without permission of the originator. Any organization disseminating intelligence beyond the organizations of the Intelligence Community shall be responsible for ensuring that recipient organizations understand and agree to observe the restrictions prescribed by these provisions and maintain adequate safeguards.

5. Foreign Dissemination of Intelligence

a. Dissemination to Immigrant Aliens, Foreign Contractors, and other Foreign Nationals.

(1) Classified intelligence, even though it bears no control markings, will not be released to foreign nationals and immigrant aliens (including US Government employed, utilized, or integrated foreign nationals and immigrant aliens) without permission of the originator.

(2) Release of classified intelligence to a foreign contractor/company under contract to the US Government will be made according to paragraph 5b through the government under which the contractor/company operates. Direct US-to-foreign contractor/company release is prohibited.

b. Dissemination to Foreign Governments.

Classified intelligence, even though it bears no control markings authorized by these provisions, will not be released in its original form to foreign governments without permission of the originator. Information contained in classified intelligence of another Intelligence Community organization, and which bears no restrictive control markings, may be used by the recipient Intelligence Community organization in reports disseminated to foreign governments³ provided:

(1) no reference is made to the source documents upon which the released product is based;

(2) the information is extracted or paraphrased to ensure that the source or manner of acquisition of the intelligence cannot be deduced or revealed in any manner; and

(3) foreign release is made through established foreign disclosure channels and procedures, such as prescribed pursuant to the DCIDs on the Committee on Imagery Requirements and Exploitation (COMIREX) and the SIGINT Committee.

6. Authorized Control Markings

a. "WARNING NOTICE--INTELLIGENCE SOURCES OR METHODS INVOLVED" (WNINTEL)

(1) This marking is used, with a security classification, to identify information whose sensitivity requires constraints on its further dissemination and use. This marking may be used only on intelligence which identifies or would reasonably permit identification of an intelligence source or method which is susceptible to countermeasures that could nullify or reduce its effectiveness.

³Excepting RESTRICTED DATA and FORMERLY RESTRICTED DATA, which is prohibited from foreign dissemination under Sections 123 and 144 of Public Law 585, Atomic Energy Act of 1954, as amended.

(2) Classified intelligence, so marked shall not be disseminated in any manner outside authorized channels⁴ without the permission of the originating agency and an assessment by the Senior Official of the Intelligence Community (SOIC) in the disseminating agency as to the potential risks to the national security and to the intelligence sources or methods involved. In making such assessment, consideration should be given to reducing the risk to the intelligence sources or methods which provided the intelligence by sanitizing or paraphrasing the information so as to permit its wider dissemination. To avoid confusion as to the extent of dissemination and use restrictions governing the information involved, the marking may not be used in conjunction with special access or Sensitive Compartmented Information (SCI) controls. This marking may be abbreviated as "WNINTEL" or as "WN."

b. "DISSEMINATION AND EXTRACTION OF INFORMATION CONTROLLED BY ORIGINATOR" (ORCON)

(1) This marking is used, with a security classification, to enable a continuing knowledge and supervision by the originator of the use made of the information involved. This marking may be used only on intelligence which clearly identifies or would reasonably permit ready identification of an intelligence source or method which is particularly susceptible to countermeasures that would nullify or measurably reduce its effectiveness. This marking may not be used when an item of information will reasonably be protected by use of any other markings specified herein, or by the application of the "need-to-know" principle and the safeguarding procedures of the security classification system.

(2) Information bearing this marking may not be disseminated in whole or in part through briefings, incorporation into reports or in any other manner outside the headquarters elements⁵ of the recipient organizations, or used in taking investigative action, without the advance permission of and under conditions specified by the originator. As this is the most restrictive marking herein, agencies will establish procedures to ensure that it is only applied to particularly sensitive intelligence and that timely procedures are established to review requests for further dissemination of intelligence bearing this marking. This marking may be abbreviated as "ORCON" or as "OC."

⁴Unless otherwise specified by the Director of Central Intelligence in consultation with the National Foreign Intelligence Board (NFIB) or as agreed to between originating and recipient agencies, authorized channels are the Intelligence Community, as defined in EO 12333, and Intelligence Community contractors and consultants and officials of agencies represented on the NFIB as determined on a "need-to-know" basis by recipient Senior Officials of the Intelligence Community (SOICs).

⁵At the discretion of the originator, the term "headquarters elements" may include specified subordinate intelligence-producing components.

c. "NOT RELEASABLE TO CONTRACTORS/CONSULTANTS" (NOCONTRACT)

This marking is used, with a security classification, to prohibit the dissemination of information to contractors or consultants (hereinafter contractors) without the permission of the originating agency. This marking may be used only on intelligence which, if disclosed to a contractor, would actually or potentially give him a competitive advantage which could reasonably be expected to cause a conflict of interest with his obligation to maintain the security of the information; or which was provided by a source on the express or implied condition that it not be made available to contractors. The restrictions applicable to this marking do not apply to consultants hired under Office of Personnel Management procedures, or comparable procedures derived from authorities vested in heads or organizations by law, and who are normally considered to be extensions of the office by which they are employed. This marking may be abbreviated as "NOCONTRACT" or as "NC."

d. "CAUTION--PROPRIETARY INFORMATION INVOLVED" (PROPIN)

This marking may be used, with or without a security classification, to identify information provided by a commercial firm or private source under an express or implied understanding that the information will be protected as a trade secret or proprietary data believed to have actual or potential value to other individuals, organizations, or foreign governments which have interests, actual or potential, in competition with the source of the information. Information bearing this control marking shall not be released to contractors or foreign governments without the permission of the originating agency. This marking may be abbreviated as "PROPIN" or as "PR."

e. "NOT RELEASABLE TO FOREIGN NATIONALS" (NOFORN)

This marking is used with a security classification to identify intelligence that may not be released in any form to foreign governments, foreign nationals, or non-US citizens without permission of the originator. This marking may be used on intelligence which if released to a foreign government, foreign national, or non-US citizen could jeopardize intelligence sources or methods, or when it would not be in the best interests of the US to release the information from a policy standpoint upon specific determination by a Senior Official of the Intelligence Community (SOIC). SOICs are responsible for developing, publishing and maintaining guidelines consistent with the policy guidance herein for use in determining the foreign releasability of intelligence they collect or produce. These guidelines shall be used in assigning NOFORN control markings, and by primary referents (paragraph 2b above applies) in responding to inquiries from other organizations on application of this control. This marking may be abbreviated "NOFORN" or as "NF."

f. "AUTHORIZED FOR RELEASE TO (name of country(ies)/international organization)" (REL _____)

This marking is used to identify classified intelligence that an originator has predetermined to be releasable or has released, through established foreign disclosure procedures and channels, to the foreign country(ies)/international organization indicated. No other foreign dissemination of the material is authorized (in any form) without the prior approval of the originator. This marking may be abbreviated "REL (abbreviated name of country(ies)/international organization)." In the case of intelligence and related materials controlled under DCID 6/2, authorized distribution indicators, published separately, may be used instead of the "REL" control marking.

7. Procedures Governing Use of Control Markings

a. Any recipient desiring to use intelligence in a manner contrary to the restrictions established by the control markings set forth above shall obtain the advance permission of the originating agency. Such permission applies only to the specific purpose agreed to by the originator and does not automatically apply to all recipients. Originators should ensure that prompt consideration is given to recipients' requests in these regards, with particular attention to reviewing, and editing if necessary, sanitized or paraphrased versions to derive a text suitable for release subject to lesser or no control markings.

b. The control markings authorized above shall be shown on the title page, front cover, and other applicable pages of documents, incorporated in the text of electrical communications, shown on graphics, and associated (in full or abbreviated form) with data stored or processed in automatic data processing systems. The control markings also shall be indicated by parenthetical use of the marking abbreviations at the beginning or end of the appropriate portions. If the control markings apply to several or all portions, the document may be marked with a statement to this effect rather than marking each portion individually.

c. The control markings in paragraph 6 shall be individually assigned at the time of preparation of intelligence products and used in conjunction with security classifications and other markings specified by E0 12356 and its implementing ISOO Directive. The markings shall be carried forward to any new format in which the same information is incorporated, including oral and visual presentations.

8. Reporting Unauthorized Disclosures

Violations of the foregoing restrictions and control markings that result in unauthorized disclosure by one agency of the intelligence of another shall be reported to the Director of Central Intelligence through the DCI Security Committee.

9. Obsolete Restrictions and Markings

The following markings are obsolete and will not be used subsequent to the date of this directive: WARNING NOTICE-SENSITIVE SOURCES AND METHODS

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DIRECTOR OF CENTRAL INTELLIGENCE
Security Committee

SECOM-251

19 December 1983

MEMORANDUM FOR: Executive Secretary, NFIB/NFIC

FROM:

[redacted]

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Chairman

SUBJECT:

DCID on "Security Controls on the Dissemination of
Intelligence Information" [redacted]

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REFERENCE:

Memorandum to Holders of DCI Directive Series, dated
1 September 1983, Subject: Control and Classification of
DCI Directive Series

1. The draft of subject DCID that you sent us on 10 November 1983 has been reviewed, necessary corrections made, and the result coordinated with appropriate Community components. A final draft ready for publications review and printing is attached. Sideline in the left-hand margin indicates lines or sections in which changes have been made. All changes are editorial with the exception of the addition to paragraph 1 addressing the classification of this DCID. That was added in consonance with the provisions of the referent memorandum. [redacted]

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2. The referent memorandum requires all DCIDs to be controlled as Secret unless other specified. DCID 1/7, which the subject draft would replace, has been unclassified since its origin in the early 1970s. Classification of the new guidance at the Confidential level would provide a degree of protection hitherto lacking for the security guidance on this subject. However, classification of this guidance at the Secret level would [redacted]

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[redacted], impose unnecessary costs on many departments and agencies in transmitting and accounting for this guidance document, and invite challenges on overclassification grounds under the provisions of E.O. 12356. The Security Committee and the Community has found that Confidential classification of the DCI Security Policy Manual for SCI Control Systems, effective 28 June 1982, has provided a sound balance between security protection and effective use of the security guidance. We request approval for issuing the new DCID on this subject at the Confidential level. [redacted]

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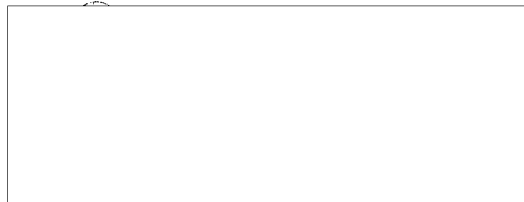
3. Since there are no changes to the substance of this draft DCID as it was approved unanimously by Security Committee members, we see no reason for

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CONFIDENTIAL

further coordination and recommend that it be published and disseminated to the Community subject to DCI approval of the proposed classification level.



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Attachment
Draft DCID

CONFIDENTIAL

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

Revised DCI Directive on Security Controls on the Dissemination of Intelligence Information

FROM:

Walter Elder
ExecSec, NFIB/NFIC
Room 5S01, [redacted]

EXTENSION

NO.

IC/83/7623

DATE

6 JAN 1984

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1.

DDCI

07 JAN 1984

2.

[redacted]

3.

NFIB/S
5S01, [redacted]

10 JAN 1984

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LOOKING GOOD

DCI
EXEC
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~~CONFIDENTIAL~~

IC/83/7623

6 JAN 1984

MEMORANDUM FOR: Director of Central Intelligence

FROM: Deputy Director of Central Intelligence

FROM: Walter Elder
Executive Secretary, NFIB/NFIC

SUBJECT: Revised DCI Directive on Security Controls on the
Dissemination of Intelligence Information

1. Action Requested: That you approve the revised DCI directive and its classification as CONFIDENTIAL.

2. Background: The revised DCI directive (attached) has been coordinated by members of the Security Committee speaking on behalf of their principals.

It would replace DCID 1/7, dated 18 May 1976 (attached).

The changes, which are annotated on the revised version, are primarily editorial. The revisions also include the following:

- References to the executive order and other policy directives have been updated.
- Section 2. Definitions has been expanded to include information on Intelligence Community protective security programs.
- The language on controlled relief from the "third agency rule" has been revised to conform to the language of Executive Order 12356.
- The restrictions on dissemination of Originator Controlled (ORCON) information without the consent of the originator have been broadened to include the use of such information in briefings or "in any other manner" outside the headquarters of recipient agencies and its use in taking investigative actions.

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- The revised DCI directive makes it clear that information marked "CAUTION - PROPRIETARY INFORMATION INVOLVED" shall not be released to contractors or foreign governments without the permission of the originator.

- A new paragraph has been added to state DCI policy cautioning Intelligence Community components about potential consequences of contracting out support services which could diminish government control over intelligence.

The Chairman, Security Committee, recommends that this directive be classified CONFIDENTIAL. This would provide a balance between adequate security protection and effective use of the directive by all components and contractors.

I concur in his recommendation.

[Redacted Signature]

Walter Elder

STAT

Attachments
As Stated

Approved:

[Redacted Signature]
Director of Central Intelligence

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Disapproved:

Director of Central Intelligence

Date: _____

²
~~CONFIDENTIAL~~

Distribution

IC/84/7623

Original - DCI w/atts

1 - DDCI w/atts

1 - ER w/atts

1 - Security Committee w/atts

1 - NFIBCC Chrono w/atts

1 - DCID Subject w/atts